

218290US2



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

KOICHI OHTAKA ET. AL. : GROUP ART UNIT: 2873

SERIAL NO: 10/050,865 :

FILED: JANUARY 18, 2002 : EXAMINER: TRA, T. Q.

FOR: OPTICAL MODULATOR, OPTICAL  
MODULATOR MANUFACTURING  
METHOD, LIGHT INFORMATION  
PROCESSING APPARATUS INCLUDING  
OPTICAL MODULATOR, IMAGE  
FORMATION APPARATUS INCLUDING  
OPTICAL MODULATOR, AND IMAGE  
PROJECTION AND DISPLAY APPARATUS  
INCLUDING OPTICAL MODULATOR :

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

SIR:

In response to the Office Action dated November 24, 2003, Applicants provisionally elect, with traverse, Group I, Claims 1-39, 45-61, 64-70, 73-102, 106, and 107 for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction Requirement because the PTO has not carried forward its burden of proof to establish that searching and examining both of the noted sets of claims would be an undue burden.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Application No. 10/050,865

Reply to Office Action dated November 24, 2003

The claims of the present invention would appear to be part of an overlapping search area.<sup>1</sup>

Accordingly, Applicants respectfully traverse the outstanding Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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<sup>1</sup>To do justice to either identified groups of claims, it is respectfully submitted that it would be necessary to search in both Classes and subclasses identified in paragraph 1 at page 2 of the outstanding Official Action.

Image



Docket No.: 218290US2

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



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RE: Application Serial No.: 10/050,865

Applicants: Kouichi OHTAKA et. al.

Filing Date: January 18, 2002

For: OPTICAL MODULATOR, OPTICAL MODULATOR  
MANUFACTURING METHOD, LIGHT INFORMATION  
PROCESSING APPARATUS INCLUDING OPTICAL  
MODULATOR, IMAGE FORMATION APPARATUS  
INCLUDING OPTICAL MODULATOR, AND IMAGE  
PROJECTION AND DISPLAY APPARATUS INCLUDING  
OPTICAL MODULATOR

Group Art Unit: 2873

Examiner: TRA, T. Q.

SIR:

Attached hereto for filing are the following papers:

#### RESTRICTION RESPONSE

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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